



Commonwealth
of Massachusetts

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*Office of Campaign and Political Finance
One Ashburton Place, Room 411
Boston, MA 02108*

Advisory Opinion

October 23, 2001
AO-01-28

Representative Paul Tirone
294 Main Street
Amesbury, MA 01913

Dear Representative Tirone:

This letter is in response to your September 10, 2001 request for an advisory opinion regarding the use of your personal vehicle to provide constituent services and for campaign purposes.

You have stated that you recently purchased a walk-in van with your personal funds. This van, therefore, is your personal vehicle and not an asset of your campaign committee. All expenses related to the maintenance and operation of this vehicle will be paid from your personal funds.

You wish to use the van for two purposes: as a mobile district office and as a campaign vehicle for your campaign for state senate. You want to detail the van with your current title as state representative in connection with its use as a mobile district office and will purchase signage promoting your campaign for state senate to cover the lettering when utilizing the van for campaign purposes.

Question: Would the use of the van in the manner that you have proposed be consistent with Chapter 55, the Massachusetts campaign finance law?

Answer: Yes, if the costs of the detailing and campaign signage are accurately recorded and disclosed on your campaign finance reports.

Discussion

A candidate's provision of constituent services using his personal funds does not constitute a "contribution" to his political committee within the meaning of M.G.L. c.55, §1 since the services are not provided for "the purpose of influencing the nomination or election" of said candidate. Therefore, you may use a vehicle purchased and maintained with your personal funds to provide constituent

services. The use of your van for this purpose would not subject you to any reporting requirements under Chapter 55.

The use of your personal vehicle for campaign purposes, i.e. travel related to campaigning for votes and fundraising, falls within a statutory exemption of the definition of a “contribution” as set forth in M.G.L. c. 55, §1. Section 1 states that the incursion of personal expenses incidental to the

rendering of personal services to a political committee does not constitute a “contribution” to that committee within the meaning of M.G.L. c.55, §1. The use of your personal vehicle for travel related to campaigning for votes and fundraising is a personal expense (the cost of the travel) incidental to the rendering of a personal service to your political committee (your provision of transportation to campaign-related events or activities). Consequently, the use of your van in the manner that you propose would not constitute a contribution to your political committee and, therefore, would not subject you to any reporting requirements under Chapter 55.

Your payment of the cost to detail the van with your current title as state representative and your purchase of signage for use on the van to promote your state senate campaign, however, would be contributions to your political committee under M.G.L. Chapter 55, Section 1. Section 1 states that a contribution is “a contribution of money **or anything of value** to an individual, candidate, political committee...for the purpose of influencing the nomination or election of said individual or candidate.”

Therefore, the costs of the detailing and campaign signage should be recorded as in-kind contributions from you to your political committee and disclosed on Schedule C of campaign finance reports filed with this office in accordance with c.55.

This opinion has been rendered strictly within the context of the Massachusetts campaign finance law and is provided solely on the basis of your representations in your letter.

Please do not hesitate to contact this office should you have additional questions about this or any other campaign finance matter.

Sincerely,

A handwritten signature in black ink, reading "Michael J. Sullivan", followed by a vertical line.

Michael J. Sullivan
Director